

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 06, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES DWIGHT MCKEE,

Plaintiff,

v.

JEFFREY UTTECHT; CUS KRISTEN
WILLIAMS; INCIDENT COMMANDER
DOE 01; and PROCUREMENT
DIRECTOR/DESIGNEE DOE 02,
Defendants.

4:22-CV-05123-SAB

**ORDER OF DISMISSAL
WITHOUT PREJUDICE**

Before the Court is *pro se* Plaintiff's Motion to Voluntarily Dismiss Complaint, ECF No. 9. Plaintiff, a prisoner at the Stafford Creek Corrections Center, has not yet been granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. Defendants have not been served and because they have neither filed an answer nor moved for summary judgment, Plaintiff has an absolute right to voluntarily dismiss this case. Fed. R. Civ. P. 41(a)(1)(A)(i).

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ORDER OF DISMISSAL WITHOUT PREJUDICE *1

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion to Voluntarily Dismiss Complaint, ECF No. 9, is **GRANTED**.

2. All claims and causes of action in this matter are **DISMISSED** without prejudice and without costs or fees to any party.

3. The Clerk of Court is directed to **CLOSE** the file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and Judgment accordingly, provide copies to Plaintiff, and close the file.

DATED this 6th of February 2023.



Stanley A. Bastian

Stanley A. Bastian
Chief United States District Judge